

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-16-209
-vs-	)	
	)	DECISION
DANIEL J. DODSON,	)	
	)	
Defendant.	)	

On September 2, 2016, the Defendant was sentenced to the Montana State Prison for ten (10) years without possibility of parole for the offense of Count I: Sexual Intercourse Without Consent, a felony, in violation of §45-5-503. The Defendant was sentenced to the Montana State Prison for thirty (30) years, with twenty (20) years suspended, for the offense of Count II: Incest, a felony, in violation of §45-5-507. The sentence in Count II was ordered to run consecutive to Count I. Defendant was designated a Tier II sexual offender. He was given credit for 146 days of time served. He was ordered to pay a fine and court fees totaling \$2,560.

On February 3, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and asked to speak to his attorney privately. After consulting with Defense Counsel, the Defendant stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The *majority* of the Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Judge Seeley and Judge Gilbert concur that the sentence be affirmed. Judge Newman dissents.

Therefore, it is the majority decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 3<sup>rd</sup> day of February, 2017.

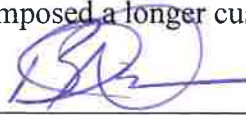
DATED this 8 day of March, 2017.

SENTENCE REVIEW DIVISION

  
Hon. Kathy Seeley, Member

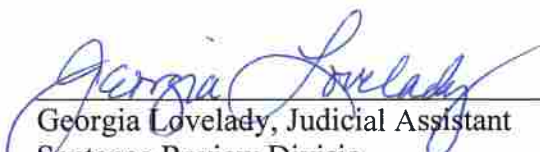
  
Hon. Brenda Gilbert, Member

Judge Newman dissents: "The record demonstrates that the underlying sentence is clearly inadequate. The record suggests that this Defendant is a predator. The record suggests that this Defendant has victimized multiple young people. This judge believes that the length of the custodial sentence, when compared to the length of the suspended sentence, is not nearly adequate to protect the public. This judge would have imposed a longer custodial term."

  
Hon. Brad Newman, Chairperson

Copies mailed this 9th day  
of March, 2017, to:

Clerk of District Court (Original)  
Daniel Jay Dodson #3007167, Defendant (2)  
Hon. Robert Deschamps  
Brent Getty, Defense Counsel  
Jason Troy Marks, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.

  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division